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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,885	11/18/2003	Takenori Yoshizawa	0717-0520P	2816
2292 7590 11/19/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
WUJCIAK, ALFRED J				
ART UNIT		PAPER NUMBER		
3632				
NOTIFICATION DATE		DELIVERY MODE		
11/19/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/714,885

Applicant(s)

YOSHIZAWA ET AL.

Examiner

Alfred Joseph Wujciak III

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 19-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 18 is/are rejected.
- 7) ☒ Claim(s) 7, 8 and 10-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

This is the final Office Action for the serial number 10/714,885, SUBSTRATE ACCOMMODATING TRAY, filed on 11/18/03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 6 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 5,103,976 to Murphy.

Murphy teaches a tray comprising a frame (24) includes a pair of first frame portions (36-37, 50) facing each other and a pair of second frame portions (42-43, 50) facing each other, a plate-like support element (32) having a opening (94) provided between the pair of first frame portions and at least one support member (80) provided along the first opening between the first of frame portions. The support element has a second opening (95) provided between the pair of second frame portions. The try includes at least one reinforcing member (31) provided in the support element between the pair of first frame portions. The pair of first frame portions are substantially parallel to each other. The pair of first frame portions and the pair of second frame portions are substantially perpendicular to each other. The frame is quadrangular frame.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy.

Murphy teaches the support member but fails to teach the support member is not project over an upper surface of the support element. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have reduced the height of support member to be flush with the support element to reduce the chance of interference with the other tray when being stacked with tray as shown in figure 6.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Japan Patent # 10,007,171 to Ikeguchi.

Murphy teaches the support element but fails to teach the support element contains a foamed synthetic resin. Ikeguchi teaches foamed synthetic resin (see abstract). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Murphy's support element with foamed synthetic resin as taught by Ikeguchi to reduce weight in the support element.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of US Patent # 6,227,372 to Thomas et al.

Murphy teaches the frame and at least one support member but fails to teach the frame and at least one support member contain aluminum. Thomas teaches the aluminum (claim 11, line 3). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Murphy's frame and support member with aluminum as taught by Thomas to handle high temperature applications (column 1, lines 6-9 in Thomas's invention).

Allowable Subject Matter

Claims 7-8 and 10-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-8 and 10-18 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues the intermediate beam 32 in Murphy's invention is not "plate-like support element" for supporting substrate as required in claim 1 of applicant's invention. The examiner disagrees with the applicant because element 32 is in shaped of plate-like and it has the ability to support the substrate and keep it organized in the tray without intefer with other substrates in the tray. The support member (80) and plate-like support element (32) together support the substrate by preventing it from falling out of the tray.

The applicant argues the element 80 in Murphy is not a support member for supporting substrate as cited in claim 1 in applicant's invention. The examiner disagrees with the applicant

because the element 80 in Murphy's invention is designed to mount on the substrate to retain it in one place inside the tray.

The applicant argues Ikeguchi does not teach "a plate-like support element.... for supporting the substrate". The examiner disagrees with the applicant because the examiner used Ikeguchi's reference with foamed synthetic resin to modify Murphy's support element to reduce weight. The examiner is not using Ikeguchi as a base reference.

The applicant argues Thomas does not teach or suggest "a plate-like support element....for supporting the substrate." The examiner disagrees with the applicant because the Thomas reference is being used as a secondary reference with aluminum material to modify Murphy's support member to handle high temperature.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alfred Joseph Wujciak III/
Primary Examiner, Art Unit 3632
11/13/09